

# Rights of Victims of Domestic Violence

1. You have the right to ask for a civil protective order, whether or not criminal charges are filed.
2. You have the right to ask for a criminal protective order if criminal charges are filed.
3. You have the right to ask the prosecuting agency to file criminal charges if your abuser was not arrested or if the police closed their investigation without filing charges. Please remember that it is important to preserve evidence! You can contact the local prosecutor to review the case. If you request notification of the status of the case, the prosecutor will notify you of his/her decision to file charges within five days of the decision.
4. You have the right to a copy of the police incident report free of charge.
5. You have the right to state, in writing, that you do not want or need the protections available to you (see Notice of No Contact Requirement) after the alleged abuser is arrested. **If you give up those protections, no criminal protective order will be in effect while the alleged abuser is awaiting his/her first court appearance.**

***For questions about domestic violence,  
call the Statewide Tollfree Infoline  
1-800-897-LINK  
Daily, 8:30 a.m. - 9:00 p.m.  
In a crisis call 911***

## Services for Victims of Domestic Violence

The following local shelters, services, and resources are available to you in this community:

## Notice of No Contact Requirement

## Information for the Alleged Victim

The following requirements shall be ordered by a court or must be agreed to by the alleged abuser prior to release on bail, recognizance or otherwise:

1. The alleged perpetrator will have no personal contact with the alleged victim;
2. The alleged perpetrator will not threaten or harass the alleged victim; and
3. The alleged perpetrator will not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.

## Notice of Penalties for Violation

If the alleged abuser violates this agreement/order, the alleged abuser may be rearrested for a third degree felony if the original arrest was for a felony or a class A misdemeanor if the original arrest was for a misdemeanor.

Agreement/order expires (date and time):

Court and address:

Prosecuting agency and address:

Police report case number:

The District Court is located at

## Notice of No Contact Requirement

## Information for the Alleged Abuser

The following requirements shall be ordered by a court or must be agreed to by the alleged abuser prior to release on bail, recognizance or otherwise:

1. The alleged perpetrator will have no personal contact with the alleged victim;
2. The alleged perpetrator will not threaten or harass the alleged victim; and
3. The alleged perpetrator will not knowingly enter onto the premises of the alleged victim's residence or any premises temporarily occupied by the alleged victim.

## Notice of Penalties for Violation

If the alleged abuser violates this agreement/ order, the alleged abuser may be rearrested for a third degree felony if the original arrest was for a felony or a class A misdemeanor if the original arrest was for a misdemeanor.

Agreement/order expires (date and time):

Court and address:

An alleged victim may waive, in writing, any or all of the no contact requirements. Such a waiver releases the alleged perpetrator from the designated restrictions.

The District Court is located at

**Protective Orders**  
**Information for the Alleged Abuser**

**Civil Protective Orders**

Civil protective orders may be obtained whether or not criminal charges are filed. Forms for civil protective orders are available in the district court clerk's office where the alleged victim resides or is temporarily living. There is no cost for filing a petition, serving the papers on the alleged abuser, or for copies for service. The district court clerk's office will help the alleged victim fill out the forms, but they cannot provide legal advice or assistance. These orders may be obtained with or without the assistance of an attorney.

**Criminal Protective Orders**

Criminal protective orders are available to the alleged victim only if the criminal process begins with

- 1. an arrest
- 2. charges being filed with the court;
- 3. arraignment on a domestic violence offense; or
- 4. conviction of a domestic violence offense.

A victim or a prosecutor can ask the court to impose a criminal protective order at any time during the court of the proceedings or while the court has the defendant under its jurisdiction. The criminal protective order protects the alleged victim for as long as the defendant is under the jurisdiction of the court or until the court makes a further order.

**Protective Orders**  
**Information for the Alleged Victim**

**Criminal Protective Orders**

There are three types of criminal protective orders:

**1. Jail Agreement/Order**

The abuser must be arrested and taken to jail in order for a jail agreement/order to be issued. The abuser cannot be released on bail, recognizance or otherwise, unless the abuser agrees in writing or is ordered by the court to

- 1. Have no personal contact with you;
- 2. Not threaten or harass you; and
- 3. Not knowingly enter onto the premises of your home or where you are temporarily staying

This order is good until the close of the next court day. The abuser can be rearrested for violating this order.

**2. Pre-Trial Order**

Criminal charges must be filed against the abuser in order for a pretrial protective order to be issued. If you want the protections of the jail agreement/order to continue or if you want a criminal protective order to protect you during the course of the criminal proceedings, you should contact the prosecuting attorney's office or appear in court to tell the judge why you want this order to continue or to be issued. If the court decides to issue a pretrial criminal protective order, you will be given a certified copy of it.

**3. Sentencing Order**

The abuser must be convicted (found guilty, plead guilty, or no contest) of the domestic violence offense in order for a sentencing protective order to be issued. After conviction, you may request the court to continue or issue the criminal protective order. The court can extend or issue a criminal protective order to protect you for as long as the court has the abuser under its authority.

**Civil Protective Orders**

There are two types of civil protective orders:

**1. Ex Parte Order**

An ex parte protective order can be issued the day you ask for it without the abuser being present. Once the abuser is given a copy of the order, it is effective until a court hearing is held, where the abuser is present.

**2. Protective Order**

A protective order becomes effective after the court hearing and after the abuser receives a copy of it. The ex parte order continues its protections until the protective order is served. The protective order is good for as long as the court thinks is necessary.

**How Can I Obtain  
a Civil Protective Order?**

Civil protective orders may be obtained whether or not criminal charges are filed. Forms for civil protective orders are available in the district court clerk's office where you reside or are temporarily living. There is no cost for filing a petition, serving the papers on the abuser, or for copies for service. The district court clerk's office will help you fill out the forms, but they cannot provide legal advice or assistance. You do not have to hire a lawyer. However, the clerk's office will provide you with a list of legal service organizations who may represent you if want a lawyer. You can also hire your own lawyer.

**Domestic Violence**

**Notice of Rights  
and Remedies**

**MARK SHURTLEFF**  
**UTAH ATTORNEY GENERAL**



236 State Capitol  
Salt Lake City, Utah 84114  
(801)366-0260 or 1-800-AG-4-INFO